IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 16277 of 2007(K)

PETITIONER:

BALAKRISHNAN NAIR @ BALAN PILLAI,
S/O KRISHNA PILLAI, CHERUKARA,
THUNDUVILAKATHU VEEDU, JUDGE ROAD,
NEDUMKAUD WARD, KARAMANA P.O., THIRUVANANTHAPURAM.

BY ADV. DR.K.P.KYLASANATHA PILLAY

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

3. TAHSILDAR, TALUK OFFICE,
FOR,THIRUVANANTHAPURAM.

4. CORPORATION OF THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, THIRUVANANTHAPURAM.

5. THIRUVANANTHAPURAM DEVELOPMENT
AUTHORITY(TRIDA), REPRESENTED BY ITS SECRETARY,
O/O THIRUVANANTHAPURAM DEVELOPMENT AUTHORITY,
THIRUVANANTHAPURAM.

6. THE TOWN PLANNING OFFICER,
CORPORATION OF THIRUVANANTHAPURAM
CORPORATION OFFICE, THIRUVANANTHAPURAM.

7. THE ASSISTANT TOWN PLANNING OFFICER-1,
CORPORATION OF THIRUVANANTHAPURAM,
CORPORATION OFFICE, THIRUVANANTHAPURAM.

R1 TO R3 BY SR. GOVT. PLEADER SRI. K.J.MOHAMMED ANZAR.
R4, R6 & R7 BY SC SRI. N. NANDAKUMARA MENON.
R5 BY ADV. SRI.K.A.JALEEL, SC., TRIDA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.16277 of 2007

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Dated this the 24th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P11 to the extent it contemplates coercive action against the petitioner's possession and enjoyment of the 2 cents of landed property and building therein situated in Sy.No.722 of Vanchiyoor Village and seeks a direction not to dispossess the petitioner and demolish the building therein. There are other prayers also. A perusal of Ext.P11 would show that by Ext.P11 notice the petitioner is called upon to produce certain documents regarding the possession and ownership of the property in question. Petitioner relies on Exts.P5 and P6 orders in S.A.140 of 2003. I note that Ext.P11 is only a notice calling upon the petitioner to produce certain documents. Ofcourse it is stated that in default, legal proceedings will be taken against the petitioner. Learned counsel for the petitioner submits that petitioner has produced the documents.

2. As I find that Ext.P11 is only a notice calling upon the petitioner to produce certain documents and the petitioner has produced

the documents, I find no reason to interfere in this matter. I do not think that the petitioner is entitled to a declaration that he is entitled to continue in possession of the building and the property. In the nature of the notice issued, I do not think that there is any need for granting prayer No.4. I need only say that I am not inclined to interfere with Ext.P11 notice as already stated Ext.P11 is only a notice calling upon the petitioner to produce certain documents. If the petitioner is faced with coercive steps, I leave it open to the petitioner to seek remedies available in law.

Leaving such liberty to the petitioner, the writ petition is disposed of.

(K.M. JOSEPH, JUDGE)

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